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February 11, 2015

VIA ECF

The Honorable Analisa Torres
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: *XL Speciality Insurance Company v. Lakian et al.*
Civil Action No. 14-civ-5225

Dear Judge Torres:

Defendant Eiseman Levine Lehrhaupt & Kakoyainnis writes to oppose the adjournment requested today by Brain Osias, counsel for John Lakian ("Lakian") and Diane Lamm ("Lamm"). In his letter Mr. Osias states that the reason for the requested extension is "to continue attempts to resolve this issue without additional litigation." To the extent that Mr. Osias wants to give the Court the impression that Lakian and Lamm have participated in settlement talks at anytime, that impression would be incorrect. In fact, the contrary is true. All of the defendants, except for Lakian and Lamm, have participated in settlement discussions. All defendants, except for Lakian and Lamm, previously reached an agreement in principal as to how the matter might be settled between and amongst the various defendants. The reason no settlement has been reached by all the defendants yet is because Mr. Osias has refused to meet with us or to engage in a telephone discussion about settlement. This has been true for months. It was true before this action was filed. It was true while the intervention motions were pending. And it remains the case today-a month after the intervention motions were decided. Therefore, there is no good faith reason for the requested delay. The case should proceed. If Mr. Osias is truly interested in resolving the matter there is no reason he cannot do it while the case is pending.

Respectfully submitted,

/s Eric R. Levine

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